

REMARKS

Applicant thanks Examiner for the through examination. In response to the Office Action mailed September 4, 2007 (“Office Action” as used herein), Applicant respectfully presents the following remarks.

Claims 1-11, 15-26 are currently pending, of which Claims 1, 2, 17, 18, and 22 are independent. Because support for the amended claims can be found in the specification as filed, no new matter has been added. Applicant respectfully submits that the amended claims focus on a specific embodiment of the invention. Claims 12-14 and 27 have been canceled. Applicant reserves the right to prosecute claims of the same scope as the claims prior to this amendment at a later stage within the present application or another application.

I. Claim Objections

On page 2 of the Office Action, Claims 2 and 18 are objected to under 37 C.F.R §1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. In an effort to advance the prosecution, Applicant rewrote claims 2 and 18 to an independent format as kindly suggested by Examiner.

On page 3 of the Office Action, Claim 10 is objected to because it was dependent on itself. Applicant amended Claim 10 to correct the typographical error. As shown above, Claim 10 now depends from Claim 9.

II. Claim Rejections under 35 U.S.C. §112, ¶2

On page 3 of the Office Action, Claims 7 and 9 are rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 7 and 9 are rejected because they recite the limitation of “the annotation indicator” that has insufficient antecedent basis. Applicant amended Claims 7 and 9 as shown above. Based on the amendment, Applicant respectfully request reconsideration and withdrawal of the rejections.

III. Claim Rejections under 35 U.S.C. §103

On page 4 of the Office Action, Claims 1-27 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application No. 2003/0004853 to Ram (hereinafter “Ram”) in view of U.S. Patent No. 6,625,583 to Silverman (hereinafter “Silverman”).

Based on the current amendment, Applicant respectfully traverses the rejections and submits that the combination of Ram and Silverman does not teach or suggest at least:

receiving a command from a user input device to flag at least one price level,

receiving user data via the graphical interface for entry into a first annotation to record an occurrence of an event,

linking the first annotation to the at least one flagged price level, and

displaying the first annotation in relation to at least one locations along the price axis in the market information display region corresponding to the at least one flagged price level.

The Office relies on Ram to disclose “displaying a market information display region,” “flagging at least one price level,” “recording an occurrence of an event,” and “displaying at least one location corresponding to the at least one flagged price level.”

For instance, the Office cites to Figure 3, indicator “200” in Ram, to teach “flagging at least one price level.” Applicant respectfully submits that the indicator 200 merely provides information about an order that is pending at the corresponding price level. As shown in Figure 3, the indicator 200 corresponds to a buy order for 200 shares of XYZ at a price level of 56.88. (See, also, Ram, paragraph 261). As such, Applicant respectfully submits that Ram does not teach or suggest “receiving a command from a user input device to flag at least one price level,” and “linking the first annotation to the least one flagged price level,” as claimed in Applicant’s amended Claim 1.

The Office cites to paragraphs 18 and 31 in Ram to disclose “recording an occurrence of an event.” Applicant respectfully submits that Ram in the cited paragraphs does not teach or suggest “receiving user data via the graphical interface for entry into a first annotation to record an occurrence of an event,” as claimed in amended Claim 1.

Applicant respectfully submits that paragraphs 18 and 31 in Ram disclose representing an

order with an icon and executing or altering a trading order by clicking on a selected cell. Additionally, as claimed in the currently amended Claim 1, Ram does not teach or suggest “linking the first annotation to the at least one flagged price level,” and “displaying the first annotation in relation to at least one location in the market information display region corresponding to the at least one flagged price level.”

The Office then turns to Column 2, lines 4-9 and Figure 5A, label 507 in Silverman to teach “inputting an annotation” and “displaying an annotation in relation to at least one location.” Applicant respectfully submits that Silverman, like Ram, does not teach or suggest “receiving a command from a user to flag at least one price level,” “linking the first annotation to the at least one flagged price level,” and “displaying the first annotation in relation to at least one location along the price axis in the market information display region corresponding to the at least one flagged price level,” as claimed in amended Claim 1.

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See, e.g., M.P.E.P. § 2142. Applicant respectfully submits that the claims are patentable over Ram in view of Silverman, because the references when combined do not teach or suggest all the claim limitations.

Thus, Applicant respectfully submits that Claim 1, as well as independent Claims 2 and 22 that include similar features as Claim 1, are patentable over Ram in view of Silverman. While dependent claims are patentable for their own reasons, they are patentable for at least the same reasons presented above.

With respect to amended independent Claims 17 and 18, Applicant respectfully submits that the combination of Ram and Silverman does not teach or suggest at least:

defining an event associated with a second tradeable object to trigger creation of an annotation

detecting the event associated with the second tradeable object based on the market data associated with the second tradeable object and

displaying an annotation associated with the event ... in relation to at least one location ... on the market information display region associated with the first tradeable object.

The Office cites to Ram to teach “defining an event associated with a second tradeable object,” “detecting the event associated with the second tradeable object,” and “displaying at least one location corresponding to the at least one price level associated with the first tradeable object.” Applicant respectfully submits that paragraphs 25 and 205 cited in Ram by the Office do not teach or suggest “defining an event associated with a second tradeable object to trigger creation of an annotation,” as claimed in amended independent Claims 17 and 18. Rather, the cited paragraphs describe selectively displaying market data for a number of securities and entering an order using a submit button. Silverman also fails to teach or suggest the aforementioned feature as well as the feature of “displaying an annotation associated with the event [detected based on the market data of the second tradeable object]” and “displaying an annotation associated with the event on the market information display region associated with the first tradeable object.”

Thus, Applicant respectfully submits that independent Claims 17 and 18 are patentable over Ram in view of Silverman. While dependent claims 19-21 are patentable for their own reasons, they are patentable for at least the same reasons presented above with respect to Claims 17 and 18.

IV. Conclusion

In view of the foregoing, Applicant respectfully submits that the claimed invention as amended is not taught by the cited art. Accordingly, favorable reconsideration and withdrawal of the rejections are respectfully requested.

In the event that the Office maintains the rejection of amended independent claims, Applicant respectfully requests that the Office, in the interest of expedited prosecution, identify, with the specificity required to establish a *prima facie* case of obviousness, where in the cited reference is an alleged disclosure of the aforementioned features.

If Examiner believes that further dialog would expedite consideration of the application, Examiner is invited to contact Trading Technologies in-house Patent Counsel Monika Dudek at 312-476-1118, or the undersigned attorney or agent.

Respectfully submitted,
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